

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH DECEMBER 2007 / 19TH AGRAHAYANA 1929

Bail Appl..No. 7660 of 2007()

CRIME NO.680/07 OF THE KATTAPANA POLICE STATION

PETITIONERS/ACCUSED 1 TO 3

1. HARI, S/O.RAMAN NAIR,
NANDIYATT HOUSE, KALKOONATHAL VILLAGE, ERATTAYAR
KARA, UDUMBANCHOLLA, KATTAPANA.
2. ANU, S/O.RAVEENDRAN, KANAMKULANGARA
HOUSE, KALKOONATHAL VILLAGE, ERATTAYAR KARA,
UDUMBANCHOLLA, KATTAPANA.
3. BIJU, S/O.MANMADHAN NAIR,
KAMATTA THAMAYIL HOUSE, KALKOONATHAL VILLAGE,
ERATTAYAR KARA, UDUMBANCHOLLA, KATTAPPANA.

BY ADV. SRI.RENJITH B.MARAR
SRI.L.RAJESH NARAYAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, KATTAPPANA
POLICE STATION THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 10/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A. No. 7660 OF 2007

Dated this the 10th day of December, 2007

ORDER

Application for regular bail. The petitioners are accused 1 to 3. Altogether, there are four accused persons. The accused face allegations in a crime registered for offences punishable, inter alia, under Secs.308 and 354 read with Sec.34 of the IPC. The alleged incident took place on 24/11/07 at 8.45 p.m. On account of political animosity, the accused persons, who belong to the R.S.S., did allegedly attack the de facto complainant – a person belonging to the CPI(M) who was returning to his house along with his daughter. Iron rods were allegedly used for the occurrence. The petitioners were arrested on 24/11/07. They continue in custody from that date.

2. The learned counsel for the petitioners submits that

the allegations are inherently improbable and artificial. Political animosity is prompting the de facto complainant, who has political clout also, to make such totally false allegations. The allegation under Sec.308 of the IPC - the only non-bailable offence alleged, has been raised with transparent mala fides. The nature of the injuries suffered as also the nature of the alleged attack does not also warrant or justify an allegation under Sec.308 of the IPC, contends the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the application and I am satisfied, in the facts and circumstances of this case, that the petitioners, who have remained in custody from 24/11/07, can now be enlarged on bail subject to appropriate terms and conditions.

3. **In the result:**

(a) The application is allowed.

(b) The petitioners shall be released on bail on the following terms and conditions:

(i) The petitioners shall execute a bond for Rs.25,000/- each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioners shall make themselves available for

B.A. No. 7660 OF 2007 -: 3 :-

interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge